

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HCB FINANCIAL CORP.

PLAINTIFF

vs.

CASE NO. 1:10-cv-559-HSO-JCG

LEE F. KENNEDY

DEFENDANT

**ORDER DENYING DEFENDANT'S DISCOVERY MOTIONS [264, 266, 267,
268, 269, 270, 271, 272] DUE TO NONCOMPLIANCE WITH LOCAL
UNIFORM CIVIL RULE 37**

Before the Court are eight discovery motions [264, 266, 267, 268, 269, 270, 271, 272], filed by Defendant Lee F. Kennedy. Plaintiff HCB Financial Corp. has so far responded to two of the motions and has informed the Court that Kennedy failed to confer with HCB before filing the motions.

Kennedy's motions do not comply with Rule 37 of the Local Uniform Civil Rules, which provides:

Before service of a discovery motion, counsel must confer in good faith to determine to what extent the issue in question can be resolved without court intervention. A Good Faith Certificate [Official Form No. 4] must be filed with all discovery motions. This certificate must specify whether the motion is unopposed, and if opposed, by which party(ies) and the method by which the matter has been submitted to the magistrate judge for resolution. The certificate must bear the signatures/endorsements of all counsel.

L.U.Civ.R. 37(a).

Subsection (c) of Local Rule 37 states that "[f]ailure to comply with subsections (a) or (b) this rule will result in denial of the motion without prejudice

to the party, who may refile the motion upon conformity with this rule.” L.U.Civ.R. 37(c).

IT IS, THEREFORE, ORDERED that Kennedy’s discovery motions [264, 266, 267, 268, 269, 270, 271, 272] are **DENIED WITHOUT PREJUDICE** for noncompliance with Local Rule 37.

SO ORDERED, this the 20th day of April, 2016.

s/ John C. Gargiulo

JOHN C. GARGIULO
UNITED STATES MAGISTRATE JUDGE